REMARKS

Rejection of Claims under 35 U.S.C. § 102

Claims 56-87 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over

U.S. Patent No. 6,754,661 B1 issued to Brookler et al., (*"Brookler"*). Applicants have chosen to

respectfully disagree and traverse the rejection, as follows. Applicants reserve the right, for

example, in a continuing application, to establish that the cited reference, or other references

cited now or hereafter, do not qualify as prior art as to an invention embodiment previously,

currently, or subsequently claimed.

As will be appreciated, "[a] ... claim is anticipated only if each and every element as set

forth in the claim is found, either expressly or inherently described, in a single prior art

reference." *Verdegall Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051,

1053 (Fed. Cir. 1987). Applicants respectfully submit that this burden has not been met by the

instant Office Action. Claim 56, for example, recites:

> 56.   A computer-implemented method comprising:
> associating an item with a class, wherein
> > the class comprises associated attributes that describe members of the class, and
> > said associating the item comprises selecting the class such that each associated
> > > attribute has a non-null value in describing the item;
> storing a first record associating the item with the selected class; and
> storing a second record associating the item with each associated attribute of the class and
> > a value of the attribute describing the item.

Applicants respectfully submit that the present Final Office Action does not articulate a *prima*

facie case of anticipation by *Brookler*, because the sections of *Brookler* cited by the Office

Action do not teach of certain recited elements of Applicants' amended claim 56. Likewise,

Brookler fails to teach all the limitations of independent Claims 64, 72 and 80, which contain

substantially the same limitations as those of Claim 56.

Specifically, Claim 56 recites, "storing a second record associating the item with each

associated attribute of the class and a value of the attribute describing the item". The Office

Action asserts that *Brookler* teaches "storing a second record associating the item with each

associated attribute of the class and a value of the attribute describing the item" at Col. 10, lines

4-39 and Figs. 4-10. The cited text of *Brookler* teaches:

> Record 501 of UFT 401 represents a data item and includes a UFT ID (UFT
> record identification ID) field 530 and a category ID field 531. Preferably, UFT
> ID 530 provides a unique identifier for record 501 in UFT 401. Category ID field
> 531 is used to form relationship 520 between record 501 and record 503 in
> category table 403. Relationship 520 is used to identify the category of attributes
> associated with record 501 as well as any other records in UFT 401 having a
> category ID identified in field 531 of record 503.

> Relationship 521 is based on category ID field 531 and relates a category to the
> attributes included in the category. By searching category-attribute table 404 for
> the category ID in field 531, it is possible to identify all of the attributes in that
> category. Conversely, it is possible to identify all of the categories defined in
> category table 503 that include a given attribute.

> Record 504 of category table 404 identifies an attribute ID field 532 that is used
> to form relationship 522 between category-attribute table 404 and attribute table
> 407. Record 507 of attribute table 407 includes type field 534. Where type field
> 534 identifies an attribute as a feature attribute, attribute ID field 533 is used to
> form relationship 523 between record 507 of attribute table 407 and record 508 of
> feature values table 408. Feature value ID 535 identifies record 508 and feature
> value field 536 identifies one of the enumerated values for a feature attribute.

> Category hierarchy table 402 provides an example of a table that contains
> parent/child relationships between nodes of a category hierarchy (i.e., a hierarchy
> whose nodes represent categories). A hierarchy may be defined by associating a
> record that represents one node of the hierarchy with another record representing
> another node of the hierarchy. In addition, a position field may be used to define a
> node position relative to other nodes on the same level of the hierarchy.

Brookler, Col. 10, lines 4-39. Respectfully, Applicants submit that the cited section of *Brookler*

does not teach "a second record associating the item with each associated attribute of the class

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and a value of the attribute describing the item". Instead of teaching "a second record

associating the item with each associated attribute of the class AND a value of the attribute

describing the item", the cited section of *Brookler* teaches, at best, several records (*e.g.*, 501,

503, 504, 507 and 508), any one of which may associate an item with an attribute OR a value.

This difference between the cited section of *Brookler* and applicants recited limitation of

"a second record associating the item with each associated attribute of the class AND a value of

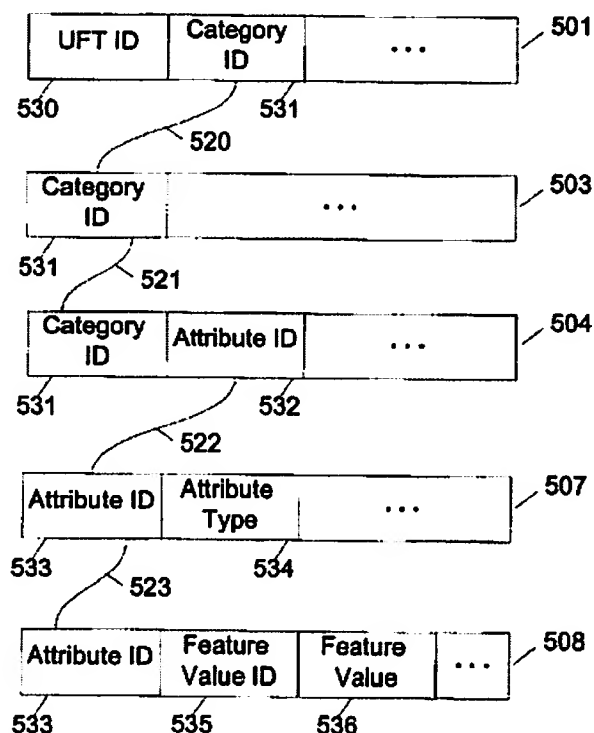the attribute describing the item" is illustrated graphically in Figure 5 of *Brookler*. Figure 5

shows:

Fig. 5

Brookler, Figure 5. Note that none of the several records (*e.g.*, 501, 503, 504, 507 and 508) is

illustrated as associating an attribute and a value to an item. Figure 5 illustrates, at best, several

records (*e.g.*, 501, 503, 504, 507 and 508), any one of which may associate an item with an

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attribute OR a value, but NOT both, as recited. Feature value 536 of record 508, for example, associates an attribute ID with a feature value, but not with an item. Only through a daisy-chain of multiple records, can Brookler reach from item to value, rather than the recited "second record associating the item with each associated attribute of the class AND a value of the attribute describing the item". Applicants are aware of no section of *Brookler* that is capable of overcoming this deficiency of the reference as against the recited limitation of Claim 56.
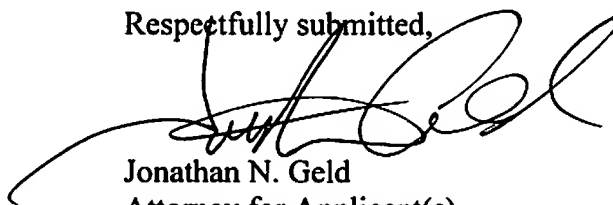
For at least this reason, Applicants respectfully submit that the Office Action fails to present a *prima facie* case of anticipation of Claim 56 by *Brookler*. Claims 64, 72 and 80 recite similar limitations and are, likewise, patentable over *Brookler*. Similarly, Claims 57-63, 64-71, 73-79 and 81-87 depend from and further patentably distinguish Claims 56, 64, 72 and 80, respectively, and are likewise in condition for allowance. Applicants therefore request the Examiner's reconsideration and withdrawal of the rejections to those claims and an indication of the allowability of same.

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CONCLUSION

Applicants submit that all claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,

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